

E.E.O.C. v. Dial Corp.

N.D.Ill.,2000.

Only the Westlaw citation is currently available.

United States District Court, N.D. Illinois, Eastern
Division.

EQUAL EMPLOYMENT OPPORTUNITY COM-
MISSION, Plaintiff,

v.

DIAL CORPORATION, Defendant.

No. 99 C 3356.

Nov. 29, 2000.

MEMORANDUM AND ORDER ON PLAINTIFF'S
MOTION TO UNSEAL BRIEFS, HEARING
TRANSCRIPT, COURT ORDER AND DEPOS-
ITION OF JANE DOE, MOTION BY VIAD FOR
PROTECTIVE ORDER, MOTION BY JOHN ROE
FOR PROTECTIVE ORDER, AND MOTION BY
JOHN ROE TO FILE DECLARATION

URBOM, Senior J.

*1 The plaintiff has moved for an order unsealing the briefs filed in response to the plaintiff's subpoena of Jane Doe, the transcript of a July 10, 2000 hearing on various motions relating to this subpoena, the order entered in the Central District of California following this hearing, and the deposition of Jane Doe. (Filing 111).

I have granted the defendant's Motion in Limine to Exclude Testimony of Jane Doe and Related Evidence, filing 131, and I have determined that the deposition of Jane Doe and related evidence are not relevant to the present case, and that considerations of undue delay also support excluding these materials. In light of that order, the plaintiff may not use any of the materials associated with the Jane Doe deposition in this case. To paraphrase the plaintiff's own argument, it is entitled to rely on admissible evidence only. The public has no interest in gaining access to information that has failed to pass the threshold tests of relevance and admissibility. *Oklahoma Hosp. Ass'n v. Oklahoma Pub. Co.*, 748 F.2d 1421, 1425 (10th Cir.1984). See also *Joy v. North*, 692 F.2d 880, 893 (2nd Cir.1992) ("Discovery involves the use of

compulsory process to facilitate orderly preparation for trial, not to educate or titillate the public."). The confidentiality of the Doe-related materials, which will not be made public at trial, should be preserved. *Kehm v. Proctor & Gamble Mfg. Co.*, 580 F.Supp. 913, 916 n. 4 (N.D.Iowa 1983); *National Polymer Products, Inc. v. Borg-Warner Corp.*, 641 F.2d 418, 424 (6th Cir.1981).

Since the materials relating to the Doe incident have been found inadmissible and plaintiff's motion to unseal has been denied, Viad's Motion for Protective Order (filing 121), John Roe's Motion to Continue Protective Orders (filing 126), and John Roe's Motion for Leave to File Declaration of John Roe Under Seal (filing 127), which are all supportive of maintaining the Doe materials under seal, appear to be appropriate.

IT IS ORDERED that the Plaintiff's Motion to Unseal Briefs, Hearing Transcript, Court Order And Deposition of Jane Doe, filing 111, is denied. Viad's Motion for Protective Order (filing 121), John Roe's Motion to Continue Protective Orders (filing 126), and John Roe's Motion for Leave to File Declaration of John Roe Under Seal (filing 127) are granted.

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Not Reported in F.Supp.2d, 2000 WL 33912746
(N.D.Ill.)

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